



3739

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PATENT  
Attorney Docket No.:S-3-1

Commissioner for Patents,  
Alexandria, VA 22313-1450

On

Aug 20, 2003

By

*Katie Zarzana*

Katie Zarzana

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Ronald A. Underwood et al.

Application No.: 09/512,742

Filed: February 24, 2000

For: **METHODS FOR ELECTROSURGICAL  
TISSUE CONTRACTION WITHIN THE SPINE**

Examiner: Lee S. Cohen

Art Unit: 3739

**INFORMATION DISCLOSURE  
STATEMENT UNDER  
37 CFR §1.97 and §1.98**

Commissioner for Patents  
Alexandria, VA 22313-1450

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SEP 05 2003  
TECHNOLOGY CENTER R3700

Sir:

The references cited on attached form PTO-1449 are being called to the attention of the Examiner. A copy of each is enclosed.

It is respectfully requested that the cited information be considered during the prosecution of this application, and the references be made of record therein and appear among the "references cited" on any patent to issue there from.

Applicant also brings the following information and list of materials to the attention of the Examiner. On February 13, 1998, ArthroCare Corporation filed a lawsuit in the United States District Court for the Northern District of California against defendants Ethicon, Inc., Mitek Surgical Products, Inc., and Gynecare, Inc. alleging infringement of U.S. Patent Nos. 5,697,909, 5,697,536, 5,697,281, and 5,697,882 (the "patents-in-suit"). The case was assigned Case No. C98-00609 WHO.

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The litigation terminated in June 1999, with the defendants taking a license from ArthroCare under the patents-in-suit. The defendants have paid ArthroCare a license fee, and will pay ongoing royalties on sales in the United States of certain arthroscopy and gynecology products covered by these patents.

After the litigation terminated, applicants were apprised by a third party of section 2001.06(c) of the Manual of Patent Examining Procedure ("MPEP") with respect to the prosecution of applications for patents other than those at issue in the litigation and that were pending before the litigation was commenced, namely, U.S. Application Nos. 08/807,111 (now U.S. Patent No. 5,891,095), 08/766,382 (now U.S. Patent No. 5,888,198), and 08/760,768 (now U.S. Patent No. 5,766,153).

Having considered MPEP section 2001.06(c) following receipt of the correspondence from the third party, Applicant does not believe that MPEP section 2001.06(c) requires the disclosure of the above-described litigation or any materials related to that litigation in the present application. Applicant further does not believe that MPEP section 2001.06(c) required such disclosure in connection with any other applications that were pending after the litigation commenced. Among other things, the subject matter (*i.e.* the inventions recited in the claims) of this application and the other pending applications was not at issue in the litigation.

Nevertheless, applicant did bring the above-described litigation to the attention of Examiner Mendez during the prosecution of at least U.S. Application Nos. 08/807,111 (now U.S. Patent No. 5,891,095), 08/766,382 (now U.S. Patent No. 5,888,198), and 08/795,686 (now U.S. Patent No. 5,871,469), during a telephone conference relating to those applications. Applicant also submitted the prior art that was principally relied on by the defendants in the litigation to Examiner Mendez during the prosecution of U.S. Application Nos. 08/807,111 (now U.S. Patent No. 5,891,095), 08/766,382 (now U.S. Patent No. 5,888,198), and 08/795,686 (now U.S. Patent No. 5,871,469). Indeed, Applicant withdrew one of those pending applications, U.S. Application No. 08/807,111 from allowance to provide Examiner Mendez with the opportunity to consider those references.

In addition, Applicant provides the following list of materials from the litigation that reflect defendants' and ArthroCare's primary arguments relating to issues of validity and enforceability. Copies of item nos. 16 and 40 are attached.

1. ArthroCare's Complaint For Patent Infringement Of U.S. Letters Patent Nos. 5,697,909; 5,697,281; 5,697,882; and 5,697,536 filed February 13, 1998;
2. Plaintiff ArthroCare's Motion For Preliminary Injunction Against Defendant Ethicon and Mitek, filed March 10, 1998.
3. Answer and Counterclaim Of Defendants Ethicon, Inc., Mitek Surgical Products, Inc., and Gynecare, Inc., filed April 6, 1998;
4. Plaintiff ArthroCare's Motion To Strike Affirmative Defenses And To Strike Defendants' Counterclaim In Part Or, In The Alternative, For a More Definite Statement, filed April 17, 1998;
5. Defendants' Opposition To ArthroCare's Motion To Strike Affirmative Defenses And To Strike Defendants' Counterclaim In Part Or, In The Alternative For A More Definite Statement And Points And Authorities In Support Of Conditional Motion To File An Amended Answer and Counterclaim, filed May 7, 1998;
6. ArthroCare's Reply In Support of Motion To Strike Affirmative Defenses And To Strike Defendants' Counterclaim In Part Or, In The Alternative, For A More Definite Statement, filed May 14, 1998;
7. Memorandum Decision And Order Regarding ArthroCare's Motion To Strike And Defendants' Motion For Leave To File An Amended Answer And Counterclaim, issued June 5, 1998;
8. Amended Answer And Counterclaim of Defendants Ethicon, Inc., Mitek Surgical Products, Inc., and Gynecare, Inc., filed June 22, 1998;
9. ArthroCare's Reply to Defendants' Amended Counterclaim, filed July 6, 1998;
10. ArthroCare's Initial Disclosure Of Asserted Claims Pursuant To Local Rule 16-7, served March 30, 1998;
11. Defendants' Initial Disclosure of Prior Art Pursuant To Local Rule 16-7, served May 26, 1998;

12. Plaintiff ArthroCare's Corporation's Opening Claim Construction Brief, filed May 11, 1998;
13. Ethicon, Inc.'s Claim Construction Brief, filed May 22, 1998;
14. Joint Claim Construction Statement Pursuant To Civil Local Rule 16-11(b)(1) For Claim Construction Hearing, filed May 29, 1998;
15. Plaintiff ArthroCare's Corporation's Reply To Defendants' Claim Construction Brief, filed May 29, 1998;
16. Memorandum Decision And Order Regarding Claim Construction, issued July 6, 1998;
17. Defendants' Petition For Permission To Appeal Pursuant To 28 U.S.C. § 1292(b) filed with the U.S. Court of Appeals for the Federal Circuit on July 16, 1998;
18. Plaintiff's Answer To Defendants' petition For Permission To Appeal Pursuant To 28 U.S.C. § 1292(b), filed July 23, 1998;
19. Federal Circuit's Order On Petition For Permission To Appeal, issued August 20, 1998;
20. Summary Of Defendant Ethicon's Opposition To Plaintiff ArthroCare's Motion For Preliminary Injunction, filed July 23, 1998;
21. Ethicon's Opposition To Plaintiff ArthroCare's Motion For Preliminary Injunction, filed July 23, 1998;
22. Declaration Of John R. LaCourse In Opposition To ArthroCare's Motion For Preliminary Injunction, filed July 23, 1998;
23. Declaration Of Robert D. Tucker Filed In Support Of Ethicon's Opposition To ArthroCare's Motion For Preliminary Injunction, filed July 23, 1998;
24. Declaration Of Robert A. Armitage, Esq., Filed In Support Of Ethicon's Opposition To ArthroCare's Motion For Preliminary Injunction , filed July 23, 1998;
25. Supplemental Declaration Of Robert A. Armitage, Esq., In Support of Ethicon's Opposition To Plaintiff ArthroCare's Motion For Preliminary Injunction, filed August 4, 1998;

26. ArthroCare's Reply Memorandum In Support Of Motion For Preliminary Injunction, filed August 6, 1998;
27. Declaration Of James Doss In Support Of ArthroCare's Motion For Preliminary Injunction, filed August 6, 1998;
28. Reply Declaration Of Philip E. Eggers In Support Of ArthroCare's Motion For Preliminary Injunction, filed August 6, 1998;
29. Reply Declaration Of John T. Raffle In Support Of ArthroCare's Motion For Preliminary Injunction, filed August 6, 1998;
30. Ethicon's Supplemental Opposition To Plaintiff ArthroCare's Motion For Preliminary Injunction, filed September 3, 1998.
31. Supplemental Declaration Of Robert D. Tucker, Ph.D. M.D., Filed In Support Of Ethicon's Opposition To ArthroCare's Motion For Preliminary Injunction, filed September 3, 1998;
32. Supplemental Declaration Of John R. LaCourse, Ph.D., Filed In Support Of Ethicon's Opposition To ArthroCare's Motion For Preliminary Injunction, filed September 3, 1998;
33. Direct Examination Of Robert D. Tucker, Ph.D., M.D., Filed In Support Of Ethicon's Opposition To ArthroCare's Motion For Preliminary Injunction; filed September 3, 1998;
34. Direct Examination of Robert A. Armitage, Esq., Filed In Support Of Ethicon's Opposition To ArthroCare's Motion For Preliminary Injunction, filed September 3, 1998;
35. Direct Examination of John R. LaCourse, Ph.D., Filed In Support of Ethicon's Opposition To ArthroCare's Motion For Preliminary Injunction, filed September 3, 1998;
36. ArthroCare's Supplemental Memorandum In Response To The Supplemental Declaration Of Robert A. Armitage, filed September 3, 1998;
37. Direct Testimony Of John T. Raffle In Support Of ArthroCare's Motion For Preliminary Injunction, filed September 3, 1998;

38. Direct Testimony Of Philip E. Eggers In Support Of ArthroCare's Motion For Preliminary Injunction, filed September 3, 1998;
39. Joint Statement Regarding Differences Between The Two Translations Of The Elsasser And Roos Article Proffered By Defendants, filed September 22, 1998;
40. Memorandum Decision And Order Regarding Preliminary Injunction Motion, issued December 2, 1998;
41. Ethicon's Response To ArthroCare's First Set of Interrogatories To Defendant Ethicon, served November 6, 1998;
42. Plaintiff ArthroCare's Response To Defendant Gynecare, Inc.'s First Set Of Interrogatories, served November 10, 1998;
43. Plaintiff ArthroCare's Response To Mitek's First Set Of Interrogatories, served November 10, 1998;
44. Plaintiff ArthroCare's Response To Defendant Ethicon, Inc.'s First Set of Interrogatories, served November 10, 1998;
45. Plaintiff ArthroCare's Objections And Responses To Defendants' First Set Of Requests For Admissions, served January 4, 1999;
46. Plaintiff ArthroCare's Objections and Responses To Defendant Gynecare, Inc.'s Second Set Of Interrogatories, served January 4, 1999;
47. Plaintiff ArthroCare's Supplemental Objections and Responses to Defendants' Request For Admission No. 36, served January 5, 1999;
48. Expert Witness Report of John R. LaCourse, served January 8, 1999;
49. Expert Witness Report of Robert D. Tucker, served January 8, 1999;
50. Expert Witness Report of David J. Parins, served January 8, 1999;
51. Expert Witness Report of Robert A. Armitage, Esq., served January 8, 1999;
52. Expert Witness Report of Massoud Motamedi, Ph.D., served January 8, 1999;
53. Expert Witness Report of Ashley J. Welch, Ph.D., served January 8, 1999;
54. Responsive Expert Report of Leslie A. Geddes, Ph.D., served January 29, 1999;
55. Responsive Expert Report of Donald W. Banner served January 29, 1999;
56. Supplemental Expert Report of David J. Parins served February 9, 1999;

57. Ethicon's Motion For Summary Judgment Of Invalidity For Failure To Satisfy The Requirements of 35 U.S.C. §§ 102-103, filed March 5, 1999;
58. Joint Statement Of Uncontested Facts In Support Of Ethicon's Motion For Partial Summary Judgment Of Invalidity Under 35 U.S.C. §§ 102 and 103, filed March 5, 1999;
59. Plaintiff ArthroCare's Opposition To Defendants' Motion For Summary Judgment Of Invalidity Under 35 U.S.C. §§ 102-103, filed March 18, 1999;
60. Ethicon's Reply Memorandum In Support Of Motion For Summary Judgment Of Invalidity Under 35 U.S.C. §§ 102 and 103, filed March 25, 1999;
61. Ethicon's Motion For Partial Summary Judgment Of Invalidity For Failure To Satisfy The Requirements of 35 U.S.C. § 112, filed March 5, 1999;
62. Joint Statement Of Uncontested Facts In Support of Ethicon's Motion For Partial Summary Judgment For Invalidity For Failure To Satisfy The Requirements Of 35 U.S.C. § 112, filed March 5, 1999;
63. Plaintiff ArthroCare's Opposition To Defendants' Motion For Partial Summary Judgment Of Invalidity For Failure To Satisfy The Requirements Of 35 U.S.C. § 112, filed March 18, 1999;
64. Ethicon's Reply Memorandum In Support Of Motion For Partial Summary Judgment Of Invalidity For Failure To Satisfy The Requirements Of 35 U.S.C. § 112, filed March 25, 1999;
65. Declaration of Leslie A. Geddes, Ph.D., In Support of ArthroCare's Oppositions To Defendants Motions For Partial Summary Judgment, filed March 18, 1999;
66. Plaintiff ArthroCare's Motion For Partial Summary Judgment That Claims Are Not Anticipated Or Rendered Obvious By Certain References, filed March 5, 1999;
67. Ethicon's Opposition To ArthroCare's Motion For Partial Summary Judgment That Claims Are Not Anticipated Or Rendered Obvious By Certain References, filed March 18, 1999;
68. ArthroCare's Reply Brief In Support Of ArthroCare's Motion For Partial Summary Judgment That Claims Are Not Anticipated Or Rendered Obvious By Certain References, filed March 25, 1999;

69. Plaintiff ArthroCare's Motion For Partial Summary Judgment Of No Inequitable Conduct Or, Alternatively, For Bifurcation, filed March 5, 1999;
70. Joint Statement Of Undisputed Facts In Support Of ArthroCare's Motion For Partial Summary Judgment Of No Inequitable Conduct Or, Alternatively, For Bifurcation, filed March 5, 1999;
71. Ethicon's Opposition Of Plaintiff ArthroCare's Motion For Partial Summary Judgment Of No Inequitable Conduct Or Alternatively For Bifurcation, filed March 18, 1999;
72. Declaration of Robert A. Armitage, Esq., In Support Of Defendant Ethicon, Inc.'s Opposition To ArthroCare's Motion For Summary Judgment, filed March 18, 1999;
73. Plaintiff ArthroCare's Reply Brief In Support Of Its Motion For Partial Summary Judgment Of No Inequitable Conduct Or, Alternatively, For Bifurcation, filed March 25, 1999;
74. Plaintiff ArthroCare's Motion For Partial Summary Judgment That Defendants Cannot Prevail On Their Enablement And Written Description Defenses As To Certain Claims, filed March 5, 1999;
75. Joint Statement Of Undisputed Facts In Support Of ArthroCare's Motion For Partial Summary Judgment That Defendants Cannot Prevail Under Enablement And Written Description Defenses As To Certain Claims, filed March 5, 1999;
76. Ethicon's Opposition To ArthroCare's Motion For Partial Summary Judgment That Defendants Cannot Prevail On Their Enablement And Written Description Defenses As To Certain Claims, filed March 18, 1999;
77. ArthroCare's Reply Brief In Support Of ArthroCare's Motion For Partial Summary Judgment That Defendants Cannot Prevail On Their Enablement And Written Description Defenses As To Certain Claims, filed March 25, 1999;
78. Defendants' Trial Brief On The Issues Of Unenforceability And Invalidity Under 35 U.S.C. §§ 102, 103, and 112, filed March 29, 1999;
79. Plaintiff ArthroCare's Trial Brief Re: Validity and Enforceability Of The Patents-In-Suit, filed April 7, 1999;



80. Defendants' Notice Of Prior Art Pursuant To 35 U.S.C. § 282, filed April 9, 1999;
81. April 26, 1999 Letter From Defendants To The Court Regarding Additional Claim Construction Issues;
82. Joint Proposed Jury Instructions For Claims 46, 55, 58, 59, 61, and 62 of U.S. Patent No. 5,697,536;
83. April 30, 1999 Letter From ArthroCare To The Court Regarding Additional Claim Construction Issues;
84. Expedited Motion Of Plaintiff ArthroCare Corporation Regarding Joint Jury Instructions, filed May 13, 1999;

In addition to the above-listed materials, there are numerous other papers that were filed with the Court in connection with the above-referenced litigation. Furthermore, depositions were taken of numerous witnesses regarding validity and enforceability issues. If the Examiner desires, Applicant will submit any or all of the listed material, the other papers filed with the court, and/or transcripts of depositions to the Examiner for consideration. Applicant will also provide any additional information that the Examiner desires about the litigation or the materials described herein. Applicant respectfully requests that the Examiner advise Applicant in writing whether he wishes any additional information about the litigation or any of the litigation-related materials described herein or wishes Applicant to submit any materials to the Examiner for consideration.

The following is a list of co-pending applications, including this application, relating to the technology covered by this application:



SI-3-1

Application No. 09/512,742

Page 10

Application No.	Filing Date
09/026,698	20-Feb-1998
09/273,612	22-Mar-1999
09/293,231	16-Apr-1999
09/314,247	18-May-1999
09/338,842	23-Jun-1999
09/347,390	06-Jul-1999
09/354,835	16-Jul-1999
09/360,075	23-Jul-1999
09/372,454	11-Aug-1999
09/438,592	12-Nov-1999
09/457,201	06-Dec-1999
09/477,832	05-Jan-2000
09/480,880	10-Jan-2000
09/501,327	09-Feb-2000
09/512,742	24-Feb-2000
09/539,147	30-Mar-2000
09/562,496	01-May-2000
09/562,650	01-May-2000
09/586,295	02-Jun-2000
09/679,394	03-Oct-2000
09/708,962	08-Nov-2000
09/709,035	08-Nov-2000
09/735,426	12-Dec-2000
09/747,311	20-Dec-2000
09/758,403	10-Jan-2001
09/771,299	25-Jan-2001
09/780,745	09-Feb-2001
09/791,504	22-Feb-2001
09/796,094	28-Feb-2001
09/836,940	17-Apr-2001
09/839,427	20-Apr-2001
09/845,034	27-Apr-2001
09/848,843	03-May-2001

Application No.	Filing Date
09/963,736	26-Sep-2001
10/057,412	25-Jan-2002
10/072,599	05-Feb-2002
10/082,017	20-Feb-2002
10/097,763	13-Mar-2002
10/119,925	09-Apr-2002
10/135,478	30-Apr-2002
10/139,117	03-May-2002
10/174,266	18-Jun-2002
10/175,472	18-Jun-2002
10/175,555	18-Jun-2002
10/187,733	27-Jun-2002
10/261,969	30-Sep-2002
10/264,308	02-Oct-2002
10/288,227	04-Nov-2002
10/290,930	07-Nov-2002
10/291,213	08-Nov-2002
10/339,470	09-Jan-2003
10/367,608	13-Feb-2003
10/372,591	21-Feb-2003
10/374,411	25-Feb-2003
10/384,050	05-Mar-2003
10/389,159	13-Mar-2003
10/621,839	16-Jul-2003
10/437,260	13-May-2003
10/402,728	28-Mar-2003
10/392,529	20-Mar-2003
10/389,159	14-Mar-2003
10/613,609	02-Jul-2003
10/435,825	12-May-2003
10/613,115	03-Jul-2003

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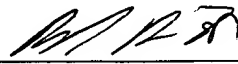
S-3-1

Application No. 09/512,742

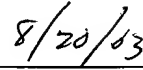
Page 11

The Commissioner is authorized to charge the required fee to Deposit Account No.  
50-0359.

Respectfully submitted,



Richard R. Batt  
Reg. No. 43,485



Date

ArthroCare Corporation  
680 Vaqueros Ave.  
Sunnyvale, CA 94085-3523  
(408) 736-0224

FORM PTO-1449 (Modified)  LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)			Attorney Docket No.  <b>S-3-1</b>		Application No.:  09/512,742	
			Applicant: Ronald A. Underwood et al.			
			Filing Date: February 24, 2000		Group:	
International Classification Designation U.S. PATENT DOCUMENTS						
Examiner Initial	Document No.	Date	Name	Class	Sub-class	Filing Date
FOREIGN PATENT DOCUMENTS						
	Document No.	Date	Country	Class	Sub-class	Translation (yes/no)
___ AA	EP 0 694 290	11/15/00	EP	A61B	18/04	
___ AB	WO 92/21278	12/10/92	WIPO	A61B	5/04	
___ AC	WO 94/08654	04/28/94	WIPO	A61M	37/00	
___ AD	WO 97/00647	01/09/97	WIPO	A61B	17/39	
___ AE	WO 97/00646	01/09/97	WIPO	A61B	17/39	
___ AF	EP 0 703 461	03/27/96	EP	G01R	27/02	
___ AG	EP 0 754 437	01/22/97	EP	A61B	17/39	
___ AH	WO 97/48345	12/24/97	WIPO	A61B	17/39	
___ AI	WO 98/27880	07/02/98	WIPO	A61B	17/39	
___ AJ	2 327 350	01/27/99	UK	A61B	17/39	
___ AK	2 327 351	01/27/99	UK	A61B	17/39	
___ AL	2 327 352	01/27/99	UK	A61B	17/39	
___ AM	3930451	03/21/91	Germany	A61B	17/39	
___ AN	57-57802	04/05/82	JP	A61B	1/00	
OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)						
___ AO	Pearce, John A. (1986) <i>Electrosurgery</i> , pgs. 17, 69-75, 87, John Wiley & Sons, New York.					
___ AP	J.W. Ramsey et al. <i>Urological Research</i> Vol. 13, pp. 99-102 (1985).					
___ AQ	V.E. Elsasser et al. <i>Acta Medico Technica</i> Vol. 24, No. 4, pp. 129-134 (1976).					
___ AR	P.C. Nardella (1989) <i>SPIE</i> 1068:42-49 Radio Frequency Energy and Impedance Feedback					
___ AS	R. Tucker et al., Abstract P14-11, p. 248, "A Bipolar Electrosurgical Turp Loop"					
___ AT	R. Tucker et al. <i>J. of Urology</i> Vol. 141, pp. 662-665, (1989).					
___ AU	R. Tucker et al. <i>Urological Research</i> Vol. 18, pp. 291-294 (1990).					
___ AV	Kramolowsky et al. <i>J. of Urology</i> Vol. 143, pp. 275-277 (1990).					
EXAMINER			DATE CONSIDERED			

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM PTO-1449 (Modified)  LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)			Attorney Docket No.  <b>S-3-1</b>		Application No.:  09/512,742	
<div style="position: relative;"> <div style="position: absolute; top: 0; left: 0; width: 100%; height: 100%; border: 1px solid black; border-radius: 50%; transform: rotate(-45deg); transform-origin: center; opacity: 0.5;">           PATENT &amp; TRADEMARK OFFICE         </div> <div style="position: absolute; top: 10%; left: 10%; font-weight: bold; font-size: 1.2em;">             SEP 02 2003           </div> </div>			Applicant: Ronald A. Underwood et al.			
			Filing Date: February 24, 2000		Group:	
U.S. PATENT DOCUMENTS						
Examiner Initial	Document No.	Date	Name	Class	Sub-class	Filing Date
FOREIGN PATENT DOCUMENTS						
	Document No.	Date	Country	Class	Sub-class	Translation (yes/no)
___ AW	WO 95/34259	12/21/95	WIPO	A61F	5/48	
___ AX	WO 93/13816	07/22/93	WIPO	A61B	17/36	
___ AY	WO 90/07303	07/12/90	WIPO	A61B	17/39	
___ AZ	WO 94/04220	03/03/94	WIPO	yes	A61N	1/06
___ BA	0 740 926 A2	11/06/96	EP	A61B	17/39	
___ BB	WO 96/00042	01/04/96	WIPO	A61B	17/39	
___ BC	WO 97/24073	07/10/97	WIPO	A61B	17/39	
___ BD	WO 97/24993	07/17/97	WIPO	A61B	17/39	
___ BE	WO 97/24994	07/17/97	WIPO	A61B	17/39	
___ BF	WO 97/48346	12/24/97	WIPO	A61B	17/39	
___ BG	WO 98/07468	02/26/98	WIPO	A61N	1/40	
___ BH	2 308 979	07/16/97	GB	A61B	17/36	
___ BI	2 308 980	07/16/97	GB	A61B	17/36	
___ BJ	2 308 981	07/16/97	GB	A61B	17/36	
___ BK	57-117843	07/22/82	JP	A61B	17/39	
___ BL	WO 99/51158	10/14/99	WIPO	A61B	17/39	
___ BM	WO 99/51155	10/14/99	WIPO	A61B	17/36	
___ BN	WO 98/27879	07/02/98	WIPO	A61B	17/36	
___ BO	WO 97/24074	07/10/97	WIPO	A61B	17/39	
OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)						
___ BP	Kramolowsky et al. J. of Urology Vol. 146, pp. 669-674 (1991).					
___ BQ	Slager et al. Z. Kardiol. 76:Suppl. 6, 67-71 (1987).					
___ BR	Slager et al. JACC 5(6):1382-6 (1985).					
___ BS	Olsen MD, Bipolar Laparoscopic Cholecstectomy Lecture (marked confidential), 10/07/91					
EXAMINER			DATE CONSIDERED			

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

FORM PTO-1449 (Modified)  LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENTS (Use several sheets if necessary)		Attorney Docket No.  <b>S-3-1</b>	Application No.:  09/512,742			
<div style="position: relative; height: 100px;"> <div style="position: absolute; top: 0; left: 0; width: 100%; height: 100%; border: 1px solid black; border-radius: 50%; transform: rotate(-45deg); opacity: 0.5; pointer-events: none;">             RECEIVED              SEP 02 2003              PATENT &amp; TRADEMARK OFFICE           </div> </div>		Applicant: Ronald A. Underwood et al.				
		Filing Date: February 24, 2000	Group:			
Designation <b>U.S. PATENT DOCUMENTS</b>						
Examiner Initial	Document No.	Date	Name	Class	Sub-class	Filing Date
<b>FOREIGN PATENT DOCUMENTS</b>						
	Document No.	Date	Country	Class	Sub-class	Translation (yes/no)
___ BT	WO 90/03152	04/05/90	WIPO	A61B	17/39	
___ BU	2313949	01/07/77	France	A61N	3/02	
___ BV	0 719 162	11/19/97	EP	A61N	1/05	
___ BW	WO 95/05867	3/2/95	WIPO	A61N	1/05	
___ BX	0 774 926	6/9/99	EP	A61B	17/39	
___ BY	1 149 564	10/31/01	EP	A61B	18/14	
___ BZ	WO 01/82813	11/8/01	WIPO	A61B	18/14	
___ CA	WO 01/87154	11/22/01	WIPO	A61B	5/05	
___ CB	WO 95/05781	3/2/95	WIPO	A61B	17/39	
___ CC	WO 96/07360	3/14/96	WIPO	A61B	17/39	
___ CD	WO 98/14131	4/9/98	WIPO	A61B	18/14	
___ CE	WO 99/03414	1/28/99	WIPO	A61B	17/39	
<b>OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)</b>						
___ CF	J. A. Saal, MD et al., Thermal Characteristics and the Lumbar Disc: NASS-APS First Joint Meeting, Charleston SC, April (1998).					
___ CG	Letter from Department of Health to Jerry Malis dated April 15, 1985					
___ CH	Letter from Jerry Malis to FDA dated July 25, 1985					
___ CI	Valleylab, Inc. "Valleylab Part Number 945 100 102 A" Surgistat Service Manual, July 1988					
___ CJ	J. L. Malis, Valley Forge Scientific corp. CMC-III Bipolar System					
___ CK	L. Malis, "Bipolar Coagulation in Microsurgery" MicroVascular Surgery, 126-131, 1967					
___ CL	L. Malis, "Instrumentation for MicroVascular Neurosurgery" Cerebrovascular Surgery, Vol. 1 245-260, 1985					
___ CM	L. Malis, "New Trends in Microsurgery and Applied Technology" Advanced Technology in Neurosurgery, 1-16, 1988					
___ CN	Letter from Dept. of Health and Human Services to Jerry L. Malis, April 22, 1991					
EXAMINER		DATE CONSIDERED				

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant

FORM PTO-1449 (Modified)  LIST OF PATENTS AND PUBLICATIONS FOR APPLICANT'S INFORMATION DISCLOSURE STATEMENT (Use several sheets if necessary)			Attorney Docket No.  <b>S-3-1</b>		Application No.:  09/512,742	
<div style="position: relative;"> <div style="position: absolute; top: 0; left: 0; width: 100%; height: 100%; border: 1px solid black; border-radius: 50%; opacity: 0.5; pointer-events: none;">             RECEIVED SEP 02 2003 PATENT OFFICE           </div> </div>			Applicant: Ronald A. Underwood et al.			
			Filing Date: February 24, 2000		Group:	
Designation			U.S. PATENT DOCUMENTS			
Examiner Initial	Document No.	Date	Name	Class	Sub-class	Filing Date
FOREIGN PATENT DOCUMENTS						
	Document No.	Date	Country	Class	Sub-class	Translation (yes/no)
OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)						
___ CO	Codman & Shurtleff, Inc. "The Malis Bipolar Electrosurgical System CMC-III Instruction Manual" 7/1991					
___ CP	Valley Forge's New Products, CLINICA, 475, 5, 11/6/91					
___ CQ	Valley Forge Scientific Corp., "Summary of Safety and Effective Information from 510K," 1991					
___ CR	Codman & Shurtleff, Inc. "The Malis Bipolar Coagulating and Bipolar Cutting System CMC-II" brochure, early 1991					
___ CS	L. Malis, "The Value of Irrigation During Bipolar Coagulation" See ARTC 21602, early 4/9/93					
___ CU	L. Malis, "Excerpted from a seminar by Leonard I. Malis, M.D. at the 1995 American Association of Neurological Surgeons Meeting," 1995					
___ CV	L. Malis, "Electrosurgery, Technical Note," J. Neursurg., Vol. 85, 970-975, 11/96					
___ CW	Ian E. Shuman, "Bipolar Versus Monopolar Electrosurgery: Clinical Applications," Dentistry Today, Vol. 20, No. 12, 12/01					
___ CX	Protell et al., "Computer-Assisted Electrocoagulation: Bipolar v. Monopolar in the Treatment of Experimental Canine Gastric Ulcer Bleeding," Gastroenterology Vol. 80, No. 3, pp. 451-455					
___ CY	Cook and Webster, "Therapeutic Medical Devices: Application and Design," 1982					
___ CZ	Valleylab SSE2L Instruction Manual, 1/6/83					
___ DA	Robert D. Tucker et al., "Demodulated Low Frequency Currents from Electrosurgical Procedures," Surgery, Gynecology and Obstetrics, 159:39-43, 1984					
___ DB	Lu, et al., "Electrical Thermal Angioplasty: Catheter Design Features, In Vitro Tissue Ablation Studies and In Vitro Experimental Findings," Am J. Cardiol Vol. 60, pp. 1117-1122					
___ DC	Selikowitz & LaCourse, "Electric Current and Voltage Recordings on the Myocardium During Electrosurgical Procedures in Canines," Surgery, Gynecology & Obstetrics, Vol. 164, 219-224, March 1987					
EXAMINER			DATE CONSIDERED			
<div style="position: relative;"> <div style="position: absolute; top: 0; right: 0; width: 100%; height: 100%; border: 1px solid black; border-radius: 50%; opacity: 0.5; pointer-events: none;">             RECEIVED SEP 05 2003           </div> </div>						
Reference Designation			U.S. PATENT DOCUMENTS TECHNOLOGY CENTER R3700			

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Examiner Inventor	Document No.	Date	Name	Class	Sub-class	Filing Date
<b>FOREIGN PATENT DOCUMENTS</b>						
	Document No.	Date	Country	Class	Sub-class	Translation (yes/no)
<b>OTHER ART (Including Author, Title, Date, Pertinent Pages, Etc.)</b>						
___ DD	John A. Pearce, Handbook of Biomedical Engineering "Electrosurgery", Academic Press Inc., N.Y., pp. 98-113, 1988					
___ DE	J. O'Malley, Schaum's Outline of Theory and Problems of Basic Circuit Analysis, McGraw-Hill, 2 <sup>nd</sup> Ed., 1992, pp. 3-5					
___ DF	Arnaud Wattiez et al., "Electrosurgery in Operative Endoscopy," Electrosurgical Effects, Blackwell Science, pp. 85-93, 1995					
___ DG	Leslie A. Geddes, "Medical Device Accidents: With Illustrative Cases" CRC Press, 1998					
___ DH	Wyeth, "Electrosurgical Unit" pp. 1181-1202					
___ DI	C.P. Swain, et al., Gut Vol. 25, pp. 1424-1431 (1984)					
___ DJ	Piercey et al., Gastroenterology Vol. 74(3), pp. 527-534 (1978)					
___ DK	A.K. Dobbie Bio-Medical Engineering Vol. 4, pp. 206-216 (1969)					
___ DL	B. Lee et al. JACC Vol. 13(5), pp. 1167-1175 (1989)					
___ DM	K. Barry et al. American Heart Journal Vol. 117, pp. 332-341 (1982)					
___ DN	W. Honig IEEE pp. 58-65 (1975)					
___ DO						
___ DP						
___ DQ						
___ DR						
EXAMINER			DATE CONSIDERED			

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